



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/485,288 | 02/07/2000 | THOMAS ECKEL | MO-5494/LEA | 1739 |

7590 04/10/2003
BAYER CORPORATION
100 BAYER ROAD
PITTSBURGH, PA 15205-9741

EXAMINER

SZEKELY, PETER A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1714

18

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

NOTE:

The obviousness rejection is withdrawn in light of Dr. Eckel's Declaration. The anticipation rejection is maintained. A reference which clearly names the claimed species anticipates the claim no matter how many other species are named. Ex parte A, 17 USPQ2d 1716 (BPA&I 1990). The range of the reference encompasses applicants' claimed range.

A handwritten signature in black ink, appearing to be 'P. Szekely', with a long horizontal stroke extending to the right.

**PETER SZEKELY
PRIMARY EXAMINER**